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UNCITRAL regional presence

Note by the Secretariat

Activities of the UNCITRAL Regional Centre for Asia and the Pacific

1. The General Assembly, in its resolutions 67/89 of 14 December 2012, 68/106 of 16 December 2013, 69/115 of 10 December 2014, 70/115 of 14 December 2015, 71/135 of 13 December 2016, and 72/113 of 7 December 2017, welcomed the activities of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific ("UNCITRAL-RCAP", "RCAP" or "Regional Centre"), in the Republic of Korea, towards providing capacity-building and technical assistance services to States in the Asia-Pacific region, including to international and regional organizations.

2. The Regional Centre has carried out its activities in accordance with the priority lines of action identified in the UNCITRAL Secretariat's strategic framework for technical assistance (A/66/17, para. 255 and A/CN.9/724, paras. 10–48), as well as with the specific mandate identified for the Regional Centre, which was revised in the 49th Commission session, namely as to (a) support public, private and civil society initiatives to enhance international trade and development by promoting certainty in international commercial transactions through the dissemination of international trade norms and standards, in particular those elaborated by UNCITRAL; (b) provide capacity-building and technical assistance services to States in the region, including to international and regional organizations, and development banks; (c) build and participate in regionally-based international trade law partnerships and alliances, including with other appropriate United Nations funds, programmes and specialized agencies; (d) strengthen information, knowledge and statistics through briefings, workshops, seminars, publications, social media, and information and communication technologies, including in regional languages; and (e) function as a channel of communication between States and UNCITRAL for non-legislative activities of the Commission.

Flagship Activities

3. The Regional Centre has continued to deliver its flagship activities during the reporting period with the objective of streamlining activities to promote UNCITRAL

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texts and establishing regular opportunities for substantive regional contributions to support the present and possible future legislative work of UNCITRAL:

UNCITRAL Asia Pacific Judicial Summit

(a) The UNCITRAL Asia Pacific Judicial Summit (Hong Kong, China, 16–18 October 2017) (second edition), a biennial event jointly hosted with the Department of Justice of the Government of the Hong Kong Special Administrative Region of the People's Republic of China, the Judiciary of Hong Kong, China, and the Hong Kong International Arbitration Centre, supported by the Hague Conference of Private International Law and its Asia Pacific Regional Office. This summit is part of the Regional Centre's ongoing efforts to establish partnerships with judiciaries and judicial training institutions across the region to enhance the integration of capacity-building activities, widen the inclusion of UNCITRAL texts in training curricula and for the broader promotion of uniform interpretation of UNCITRAL texts. The summit featured a Judicial Roundtable and a Judicial Conference and was attended by 254 participants from 34 jurisdictions. The Judicial Roundtable was attended by judges invited from across the region with the purpose of facilitating uniform interpretation and application on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the UNCITRAL Model Law on International Commercial Arbitration ("Model Law"), and enhancing knowledge on the judicial *glocalization* of the sale of goods and e-commerce laws, including the duty of uniform interpretation under the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) ("CISG") and the United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005) ("e-CC"). The Judicial Conference on "Judicial Efficient Support to International Arbitration, and Emerging Topics in International Arbitration" was opened by the Under-Secretary-General for Legal Affairs and the United Nations Legal Counsel, Mr. Miguel Serpa Soares;

Asia Pacific ADR Conference

(b) The Asia Pacific ADR Conference (Seoul, 7–9 November 2017) (sixth edition), an annual regional conference, co-hosted with the Ministry of Justice of the Republic of Korea, the Korean Commercial Arbitration Board ("KCAB"), the Seoul International Dispute Resolution Centre and the International Chamber of Commerce ("ICC") — International Court of Arbitration. The Conference is designed to provide a regional platform for global legislative discussions, and to promote UNCITRAL standards on dispute settlement, aimed at officials, experts, practitioners, researchers, scholars, and representatives from arbitration centres. In 2017, the conference gathered 219 participants from 56 jurisdictions, who shared their opinions and research findings related to the conference themes. The 2017 conference had a special focus on "Access to Justice Innovations in Transnational Trade and Investment" addressing topics such as innovations by international arbitral institutions, prevention of abuse of process in international arbitration, new areas of international arbitration, investment dispute settlement, and sports arbitration in anticipation of the 2018 Olympic Winter Games which took place in PyeongChang, Republic of Korea. The conference featured a side event which included the Regional Capacity Building Workshop and the Regional Roundtable on 7 November. Delegates from Bangladesh, Cambodia, Fiji, India, Kyrgyzstan, Malaysia, Myanmar, Nepal, Paraguay, Thailand and Macau, China participated in the side event;

Asia Pacific Day

(c) The UNCITRAL Asia Pacific Day, held during the last quarter of 2017 (fourth edition), aimed at promoting awareness, encouraging the study, discussion and implementation of the UNCITRAL texts and celebrating the establishment of UNCITRAL. Every year, universities from across the region are invited to join the celebrations by proposing a special programme that can range from special lectures and seminars, to public conferences. In 2017, 6 universities joined the celebrations, namely:

(i) Centre for Transnational Commercial Law of the National Law University, Delhi, which co-organized in collaboration with the National Company Law Tribunal and the Insolvency & Bankruptcy Board of India an international conference on cross-border insolvency (New Delhi, 27–28 October 2017);

(ii) University of Western Australia, which organized a symposium featuring academics from Australia, South Africa, Denmark and the Chair of the UNCITRAL National Coordination Committee for Australia (Perth, Australia, 24 November 2017);

(iii) Beijing Normal University, which organized a seminar with a special focus on e-commerce in the cross-border and Chinese contexts (Beijing, 24 November 2017), within the framework of the joint programme on training and researching e-commerce law established by the Beijing Normal University Institute for the Internet Policy and Law and UNCITRAL-RCAP;

(iv) Wuhan University Institute of International Law and Wuhan University Center of Oversea Investment Law jointly organized a special lecture that focused on the use of UNCITRAL Arbitration Rules, including on ISDS, in the context of the Belt and Road Initiative (Wuhan, China, 15 December 2017);

(v) University of Hong Kong, which organized a public lecture focusing on private international law aspects of the CISG (Hong Kong, China, 18 December 2017);

(vi) Center for Asian Legal Exchange, Nagoya University, which organized a public lecture on international commercial arbitration. (Nagoya, Japan, 18 December 2017).

Promotion of the universal adoption of UNCITRAL instruments

4. In addition to the above events, RCAP has, during the reporting period, organized, supported, and either through Incheon or Vienna-based staff of the UNCITRAL secretariat, participated in the following public, private and civil society initiatives:

(a) On UNCITRAL's mandate generally or with cross-topics focus:

(i) "The Belt and Road, A Catalyst for Connectivity, Convergence and Collaboration", conference hosted by the Law Society of Hong Kong (Hong Kong, China, 12 May 2017);

(ii) "One Step Closer: Promoting ASEAN Integration through the Harmonization of Commercial Law", conference co-hosted with the Supreme Court of Thailand, ASEAN Law Association, the International Institute for Trade and Development, the Ministry of Foreign Affairs of Thailand and the Thailand Arbitration Centre (Bangkok, 4–5 September 2017);

(iii) Public lecture on "Legal harmonization: the importance of UNCITRAL standards" at the University of Tehran's Institute of Comparative Law (Tehran, 25 November 2017);

(iv) Public lecture on "UNCITRAL mandate and its key standards on dispute settlement and international sale of goods" at the Iran Central Bar Association (Tehran, 26 November 2017);

(v) Presentations on CISG and on the Model Law on International Commercial Arbitration at the seminar "Government to Government Export Contract" hosted by Korea Trade-Investment Promotion Agency (Seoul, 28 November 2017);

(vi) 2017 UNCITRAL-UM Joint Conference "Modernization of National Commercial Laws and the Role of Legal Harmonization in International Commerce" (Macau, China, 11–12 December 2017), co-organized with the University of Macau and with the institutional support of the World Trade Centre

Macau. The conference gathered 150 participants who discussed a wide range of topics including dispute settlement along the Belt and Road Initiative, legal challenges faced by Micro, Small and Medium-sized Enterprises, UNCITRAL texts on e-commerce and their relevance to implement free trade agreements ("FTAs") and trade facilitation measures; and on sale of goods, security interests and insolvency in relation to cross-border supply chain management and financing;

(vii) Co-hosted and presented at the Macau International Legal Symposium on Promoting Economic and Trade Cooperation between China and Lusophone Countries (Macau, China, 13 December 2017);

(b) In the area of dispute settlement:

(i) Institutional support to the conference "The Impact of Digitalization on Arbitration", co-organized by KCAB, the German Arbitration Institute, and Korean Council for International Arbitration, and promoted the relevance of the e-CC in the context of the theme of the conference (Seoul, 3 April 2017);

(ii) Video message on an "Update on Enforcement of International Commercial Settlement Agreements Resulting from Conciliation", at the Global Mediation Forum, organized by the Thailand Arbitration Center (Bangkok, 24 May 2017);

(iii) Institutional support and presentations on the implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards ("New York Convention") and the model laws on arbitration and conciliation in the region, including on jurisdictions within the Belt and Road Initiative, at the 3rd ICC-CIETAC Joint Conference on "International Arbitration Without Frontiers — Best Dispute Resolution Management for One Belt, One Road" (Shanghai, China, 27 June 2017);

(iv) Presentation at the Portuguese Arbitration Day, hosted by China International Economic and Trade Arbitration Commission ("CIETAC") (Beijing, 18 September 2017);

(v) Presentation at the China Arbitration Summit 2017, co-hosted by the Supreme People's Court of China, China Council for the Promotion of International Trade and CIETAC (Beijing, 20 September 2017);

(vi) Key note address at the 2017 Hong Kong Summit on Commercial Dispute Resolution in China, within the Hong Kong Arbitration Week, co-organized by the Beijing Arbitration Commission/Beijing International Arbitration Center ("BAC"), the Australian Centre for International Commercial Arbitration and Chartered Institute of Arbitrators (East Asia Branch) (Hong Kong, China, 14 October 2017);

(vii) Presentation at the International Seminar on "Indonesia and Development of International Arbitration", organized by the BANI Arbitration Center (Jakarta, 28 November 2017);

(viii) Jointly organized with the Shanghai International Economic and Trade Arbitration Commission ("SHIAC") the 1st Asia-Pacific International Arbitration Forum on "Belt and Road International Arbitration: Opportunity and Challenge in Asia and the Pacific" (Shanghai, China, 20 March 2018);

(ix) Support to the International Conference on "Online Dispute Resolution Mechanism" organized by the Construction Industry Arbitration Council with the Ministry of Law of India (New Delhi, 21 April 2018);

(x) Institutional support to the celebratory conference for the occasion of the third anniversary of the Center for International Investment and Commercial Arbitration (Lahore, Pakistan, 28 April 2018);

(c) In the area of electronic commerce, including by promoting the "UNCITRAL e-commerce law 2.0", which includes the e-CC and the Model Law on Electronic Transferrable Records ("MLETR"):

(i) Presentation at the International Conference on E-Commerce in China: Legislation and Development (Beijing, 3 June 2017);

(ii) Presentation at the 2nd Global Cross-Border E-Commerce Summit (Hangzhou, China, 27 October 2017);

(iii) Presentation on "UNCITRAL E-Commerce Law 2.0 for the implementation of FTAs and Trade Facilitation Measures" at the Regional International Arbitration Conference on "The Dawn of International Arbitration in the South Pacific" (Nadi, Fiji, 13 February 2018);

(iv) Presentation on "UNCITRAL E-Commerce Law 2.0: Paving the way to our digital future in Asia and the Pacific" at the Asia-Pacific Business Forum 2018 (Hong Kong, China, 10–11 April 2018), the flagship regional business Forum organized by the United Nations Economic and Social Commission for Asia and the Pacific ("UNESCAP");

(d) In the area of insolvency:

(i) Presentation at the 2017 Judicial Conference on Insolvency, hosted by the Seoul Bankruptcy Court (Seoul, 14–15 September 2017);

(ii) Presentation at the International Conference on "Cross-Border Insolvency and Maritime Matters", co-organized with the Hong Kong Centre for Maritime and Transportation Law of City University of Hong Kong (Hong Kong, China, 21–22 November 2017);

(e) In the area of UNCITRAL standards on transparency in investor-State dispute settlement ("ISDS"):

(i) Presentation at the Inter-Pacific Bar Association 27th Annual Meeting and Conference (Auckland, New Zealand, 7 April 2017);

(ii) Institutional support and presented at the Asia FDI Forum III, organized by the Chinese University of Hong Kong (Hong Kong, China, 12–13 May 2017);

(iii) Presentation at the 7th South China In-House Counsel Forum, organized by the Shenzhen Court of International Arbitration titled "Belt & Road: Chinese Companies and Investment Arbitration", supported by the Supreme People's Court, Ministry of Commerce and other government departments of China (Shenzhen, China, 29 June 2017);

(iv) "ISDS & Japan: Prospective Seminar", jointly organized co-hosted with Nagoya University (Tokyo Office), the European Business Council and the European Union Mission in Japan (Tokyo, 8 September 2017);

(v) Presentation at the 7th Meeting of the Asia-Pacific Foreign Direct Investment Network (Bangkok, 2 November 2017);

(vi) Presentation at the Ministry of Justice-Seoul IDRC Workshop on "Investor-State Dispute Settlement" (Seoul, 10 November 2017);

(vii) Side Event on "Investor-State Dispute Resolution Roundtable", jointly organized with SHIAC during the first Asia-Pacific International Arbitration Forum (Shanghai, China, 21 March 2018);

(viii) Institutional support and presentation at the Asia FDI Forum IV on "Special Economic Zones: Issues and Implications for International Law & Policy", co-organized by Columbia Center on Sustainable Investment, the World Economic Forum, Shanghai Jiao Tong University and the Chinese University of Hong Kong (Hong Kong, China, 22–23 March 2018);

(f) In the area of procurement:

(i) Presentation at the "2017 Korea Public Procurement Expo and Concurrent Events in Public Procurement", organized by the Public Procurement Service of the Republic of Korea (Goyang, Republic of Korea, 19–20 April 2017);

(ii) Institutional support and expert input on the UNCITRAL Model Law on Public Procurement, at the ASEAN Legal Alliance's Legal Conference 2017 on "Mega Infrastructure Projects and the International Experience of Public Private Partnership (PPP)" (Bangkok, 5 October 2017);

(g) In the area of the international sale of goods: presentation on the development of the international sale of goods law and its influence during the session "Quarter Century of Civil and Commercial Laws in Asia: Mutual Influence and Legal Technical Assistance", at the 30th LAWASIA Conference (Tokyo, 21 September 2017);

(h) In the area of security interests: presentation on the UNCITRAL Model Law on Secured Transactions, at the 2nd UNCITRAL-JAIBL Academic Symposium (Tokyo, 17 March 2018) and at the 30th LAWASIA Conference (Tokyo, 21 September 2017);

(i) In the area of international transport of goods: presentation at the "Rotterdam Rules Roundtable" (Singapore, 28 November 2017).

Technical assistance and capacity-building

5. In consultation and with the support of Vienna-based staff of the UNCITRAL secretariat, UNCITRAL-RCAP has also been engaged in the following technical assistance and capacity-building services, provided to States in the Asia-Pacific region, including to international and regional organizations, and development banks. Some of these activities are coordinated with various institutions referred to in paragraph 6 below:

(a) In the area of dispute settlement:

(i) Delivered two training sessions on the Model Law on International Commercial Arbitration at the New York University and Thailand Arbitration Commission Joint Arbitrator Training Workshop, aimed at capacity-building for local practitioners (Bangkok, 15–16 June 2017);

(ii) Presentation at the Beijing Arbitration Commission Summit, on "Opportunities and Challenges on Draft Instruments on Enforcement of International Commercial Settlement Agreements Resulting from Conciliation" (Beijing, 31 August 2017);

(iii) Co-organized with and presented on the Model Law at the Masterclass with the International Dispute Resolution Academy, the University of International Business and Economics, International Centre for Settlement of Investment Disputes and Centre for Effective Dispute Resolution (Beijing, 23–24 October 2017);

(iv) Co-hosted with the Ministry of Justice of the Republic of Korea a Regional Capacity Building Workshop on the Model Law aimed at officials from Bangladesh, Cambodia, Fiji, India, Kyrgyz Republic, Malaysia, Myanmar, Nepal, Paraguay, Thailand and Macau, China (Seoul, 7 November 2017);

(b) In the area of electronic commerce:

(i) Technical briefing on the e-CC to officials from the Department of Foreign Affairs, Department of Justice and Department of Trade and Industry of the Philippines and representatives from the Philippine Exporters Confederation (Manila, 23 May 2017);

(ii) Presentation at the "Capacity Building Workshop for Great Mekong Subregion on cross-border e-commerce", organized by the ASEAN Korea Centre with support from the Regional Centre (Seoul, 21–24 August 2017);

(iii) Technical briefing on "UNCITRAL e-Commerce Law 2.0" at the Working Group on E-Commerce in the context of the Regional Comprehensive Economic Partnership negotiating rounds (Incheon, Republic of Korea, 23 October 2017);

(c) In the area of international sale of goods:

(i) Technical briefing on CISG to the Department of Foreign Affairs, Department of Justice and Department of Trade and Industry of the Philippines, and representatives from the Philippine Exporters Confederation (Manila, 23 May 2017);

(ii) Technical briefing on CISG in a seminar organized by the Department of Justice of the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong, China, 17 October 2017);

(d) In the area of security interests:

(i) Participation in workshops to discuss the draft secured transactions law of Bahrain (Manama, 11–14 September 2017);

(ii) Meetings with the Ministry of Commerce, relevant government agencies and the National People's Congress of China to introduce the Receivables Convention and the Model Law on Secured Transactions (Beijing, 25 September 2017);

(iii) Presentation on "Can China be a Leading Example of Secured Transactions Law Reforms?", at the Conference on Warehouse Finance and Collateral Management, organized by the China Banking Association and International Finance Corporation (Beijing, 26–27 September 2017);

(iv) Presentation on "Modern Secured Transactions Legal Framework", at a workshop held at Renmin University (Beijing, 27 September 2017).

Coordination

6. Following its systematic coordination and cooperation efforts with institutions active in trade law reforms, the Regional Centre has, during the reporting period, continued participation in regionally-based international trade law partnerships and alliances, including with other appropriate United Nations funds, programmes and specialized agencies, in their efforts in providing technical assistance and capacity-building in the region, including:

(a) United Nations Delivering as One:

(i) Under the Lao People's Democratic Republic-United Nations Partnership Framework 2017–2021, as a non-resident agency, being tasked to contribute in "Outcome 7: Institutions and policies at national and local level support the delivery of quality services that better respond to people's needs" and "Outcome 8: People enjoy improved access to justice and fulfilment of their human rights":

a. Briefing on CISG, attended by 77 government officials from across several departments, practitioners and in-house legal counsels from major Laotian corporations (Vientiane, Lao People's Democratic Republic, 25 April 2017);

b. Presentation at the International Seminar on "Law and Economic Dispute Resolution" at the Economic Dispute Resolution Center of Lao People's Democratic Republic (Vientiane, Lao People's Democratic Republic, 14 December 2017);

(ii) Joined the United Nations Development Assistance Framework ("UNDAF") Papua New Guinea (2018–2022), as a non-resident agency;

(b) United Nations Economic and Social Commission for Asia and the Pacific ("UNESCAP"): the Regional Centre has pursued its technical engagement with UNESCAP in the context of the promotion and implementation of the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific, namely in relation to the e-CC. The following activities were coordinated with UNESCAP:

(i) Presentation at the "Workshop on Facilitation on Trade in Northeast Asia through Paperless Trade", highlighting the nexus between technical interoperability, technology neutrality and the adoption of uniform laws, and the success of the close cooperation with UNESCAP in drafting the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (Bangkok, 29–30 August 2017);

(ii) Participation in the Asia-Pacific Trade Facilitation Forum organized by UNESCAP, the Asian Development Bank and the Coordinating Ministry of Economic Affairs Indonesia (eighth edition, 2017) on: "Trade Facilitation Innovations for Sustainable Development in Asia and the Pacific". In addition to giving a presentation, the Regional Centre co-organized a half-day side event on "Taking FTA Electronic Commerce Chapters Seriously: UNCITRAL Texts for Mutual Recognition of Electronic Communications and Signatures" (Yogyakarta, Indonesia, 5–8 September 2017);

(iii) Presentation at the Regional Consultation on E-Commerce for Sustainable Development in Asia and the Pacific, during the 5th Asia-Pacific Trade and Investment Week, organized by UNESCAP (Bangkok, 30 October 2017);

(iv) Attended the UNESCAP Committee on Trade and Investment, and delivered two statements and as a result, the report of the Committee [E/ESCAP/CTI(5)/6] included references to the importance of UNCITRAL's work in strengthening and harmonising trade laws and regulations and the need to strengthen cooperation with UNCITRAL (Bangkok, 31 October 2017);

(v) Attendance and presentation at the Fifth Meeting of Legal and Technical Working Groups on Cross-border Paperless Trade Facilitation (Bangkok, 20–21 March 2018);

(c) United Nations Conference on Trade and Development ("UNCTAD") and the Association of Southeast Asian Nations ("ASEAN"): presentation at the UNCTAD/ASEAN Workshop on e-commerce on "The Legal Challenges of E-Commerce" and "Roundtable — Assistance for E-Commerce Development in the Region", illustrating respectively, the relevance of UNCITRAL texts and UNCITRAL technical assistance activities (Manila, 8–9 November 2017);

(d) Asian Development Bank ("ADB"): ADB and UNCITRAL concluded an exchange of letters aimed at reforming arbitration laws in the South Pacific, focusing on accession to the New York Convention in January 2017. UNCITRAL, through RCAP, in coordination with ADB, will (a) assist States in the preparation and deposit of instruments of accession to the New York Convention; (b) review existing or draft new arbitration laws based on the Model Law, including ensuring conformity with the provisions of the New York Convention; and (c) deliver capacity-building through tailored training programmes for stakeholders (government and judicial officials, arbitration practitioners as well as scholars).

In that context, RCAP co-hosted with the Government of the Republic of Fiji and ADB, the South Pacific International Arbitration Conference. The conference discussed the positive developmental impact of international arbitration reform in the South Pacific. One hundred and twenty-three participants including Government officials, policymakers, development partners, judges, law practitioners and private

sector representatives from 25 jurisdictions attended the conference (Nadi, Fiji, 12–13 February 2018).

(e) Asia-Pacific Economic Cooperation ("APEC"):

(i) Co-hosted and participated at the Friends of the Chair Group on Strengthening Economic and Legal Infrastructure Workshop on: "The Use of Modern Technology for Dispute Resolution and Electronic Agreement Management (particularly ODR)" (Port Moresby, 3–4 March 2018);

(ii) Took part in the Ease of Doing Business Project ("EoDB project") in collaboration with the Ministry of Justice of the Republic of Korea in Viet Nam:

a. Presented on enforcing contracts and the relevance of UNCITRAL texts, including CISG, e-CC, the New York Convention and the Model Law on International Commercial Arbitration at the 2017 Ease of Doing Business Workshop (Hanoi, 27 June 2017);

b. Met with the Central Institute for Economic Management under the Ministry of Planning and Investment, Ministry of Justice of Viet Nam, the Supreme People's Court of Viet Nam and Vietnam International Arbitration Centre to discuss the status and possible improvement in the field of enforcing contracts and dispute settlement (Hanoi, 26 June 2017);

c. Met with the Federal Court of Australia, Personal Property Securities Register under the Australia Financial Security (Sydney, Australia, 29 June 2017);

d. Presented on the Model Law on Secured Transactions at the APEC EoDB Wrap-up Seminar (Seoul, 22 November 2017);

(f) Greater Tumen Initiative ("GTI"): presented on UNCITRAL legal texts for e-commerce and paperless trade facilitation in Northeast Asia, highlighting the e-CC and the MLETR at the GTI Trade and Investment Cooperation Roundtable Meeting, co-organized by the GTI Secretariat, Jilin Provincial Government of China and Deutsche Gesellschaft für Internat. Zusammenarbeit GmbH. The roundtable aimed to bring diverse stakeholders such as government agencies, international organizations, academics and the private sector to discuss the future direction and concerted actions of trade and investment cooperation in Northeast Asia (Changchun, China, 30–31 August 2017).

Supporting attendance of judges and government officials

7. The Regional Centre has supported attendance of government officials, legal officers and judges, from regional Least Developed Countries ("LDCs"), Landlocked Developing Countries ("LLDCs") and Small Island Developing States ("SIDCs"), to activities aimed at capacity-building:

(a) One delegate from the Attorney General's Department of Sri Lanka and one delegate from the Multilateral Trade Policy Division of the Foreign Trade Policy Department of Lao People's Democratic Republic, to attend the UNCITRAL Congress (Vienna, 4–6 July 2017);

(b) Two participants to attend the Annual Willem C. Vis (East) International Commercial Arbitration Moot, from the Royal University of Law and Economics, Cambodia and the Dagon University, Myanmar (Hong Kong, China, 11–18 March 2018).

Channel of communication between States

8. The Regional Centre has consolidated the function it serves on behalf of the UNCITRAL Secretariat as a channel of communication for non-legislative activities of the Commission between States in the region and UNCITRAL, setting up contact

points within governments in the region and engaging in regular consultations with government officials from Australia, Bahrain, China (including the Special Administrative Regions of Hong Kong and Macau), Fiji, India, Iran (Islamic Republic of), Japan, Lao People's Democratic Republic, Papua New Guinea, the Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Timor-Leste, Thailand, Turkmenistan and Viet Nam.

New treaty action and enactment of model laws

9. The status of adoption of UNCITRAL texts is regularly updated and available on the UNCITRAL website. It is also compiled annually in a note by the Secretariat entitled "Status of conventions and model laws" (for the Commission's fifty-first session, see A/CN.9/950). RCAP has, during the reporting period, monitored the progress towards, and has also assisted States in, the adoption of the following UNCITRAL texts, in consultation and with the support of staff of the UNCITRAL secretariat:

(a) In the area of dispute resolution:

(i) United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (New York, 2014): Australia signed the Convention on 18 July 2017;

(ii) UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006: legislation based on the Model Law has been adopted in Fiji;

(iii) UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (2014): the following concluded agreements provide for investor-state arbitration under the UNCITRAL Arbitration Rules, including the Transparency Rules:

a. The Australia-Peru Free Trade Agreement was signed on 12 February 2018. The UNCITRAL Arbitration Rules (including Transparency Rules) were provided as an option for ISDS in Article 8.20;

b. The Agreement between Japan and the Republic of Armenia for the Liberalisation, Promotion and Protection of Investment was signed on 14 February 2018. The UNCITRAL Arbitration Rules (including Transparency Rules) were provided as an option for ISDS in Article 24.4;

(b) In the area of electronic commerce:

United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005):

(i) Fiji acceded to the Convention on 7 June 2017; and

(ii) Sri Lanka passed on 18 October 2017 legislation incorporating substantive provisions of the e-CC.

(c) In the area of international sale of goods:

United Nations Convention on Contracts for the International Sale of Goods, (Vienna, 1980): Fiji acceded to the Convention on 7 June 2017.

Strengthening information, knowledge and statistics

10. In order to fulfil its assigned objective of strengthening information, knowledge and statistics through briefings, workshops, seminars, publications, social media, and information and communication technologies, including in regional languages, the Regional Centre has concluded the following activities:

(a) The continued broadcasting of regional website in regional languages, namely in Japanese and Korean, including through social media. The regional website has 702 resource materials;

(b) Compilation of selected UNCITRAL texts in Korean and English, entitled "United Nations Standards Towards the Harmonization and Modernization of International Commercial Law", in cooperation with the Ministry of Justice, Republic of Korea, to be made available online and in hard copies;

(c) Publication of the 2017–2018 Annual Asia-Pacific Report on ISDS and Transparency, through the Investor-State Dispute Settlement Asia-Pacific Transparency Observatory established with the Seoul National University Asia-Pacific Law Institute and KCAB, which surveyed transparency provisions and the application of UNCITRAL standards on transparency in investor-State dispute settlement in international investment agreements concluded by states in the Asia-Pacific. The publication is made available online at the RCAP website and updates will be monitored;

(d) Incheon Trade Law Digest (Issue 2 2017) featuring 8 research papers prepared by experts from the Asia-Pacific region in relation to study on UNCITRAL and UNCITRAL texts. Similar to Issue 1, the publication is made available online at the RCAP website.

National Coordination Committees

11. RCAP has continued its support to the UNCITRAL National Coordination Committees for Australia ("UNCCA"), India, and the Global Private Law Forum of Japan. The UNCITRAL National Coordination Committees are private sector initiatives aimed at disseminating international trade norms and coordinating national promotional activities, allowing the Regional Centre to allocate more resources to the dissemination of UNCITRAL texts in LDCs, LLDCs, and SIDCs in the region.

12. During the reporting period, the Regional Centre held the Third Annual UNCITRAL Australia Seminar with the UNCCA on 19 May 2017 in Canberra, which focused on the draft convention on international settlement agreements resulting from mediation being developed in Working Group II, on the enforcement of alternative dispute resolution outcomes, and the impact of the Secured Transactions Model Law developed by Working Group VI and its implications for Australia's personal property securities regime. A pre-recorded keynote address which focused on the adoption and implementation of existing UNCITRAL texts was delivered. The UNCCA signed a Memorandum of Understanding with the University of Canberra for the establishment of an executive office on its campus until 2020.

Outreach

13. To expand the reach of its mandate, both with the hosting community and with the regional academia, the Regional Centre continued its national outreach and regional educational programmes to maintain regular dialogue with non-governmental organizations, local and national political stakeholders, other international organizations, academia, the media and the general public on various aspects of the RCAP, to enhance cooperation and community support, and increase awareness of UNCITRAL activities:

(a) For the national outreach programme, the Regional Centre has opened its doors to various visitors, including representatives of the Incheon Municipal Council, local students and interns from the Ministry of Justice of the Republic of Korea. Various lectures have also been delivered to local students on UNCITRAL and its work, and attended various events coordinated with the United Nations offices in ROK;

(b) The Regional Centre has continued its support to international trade law moot competitions held in the region, namely:

(i) The 15th Vis East Moot, hosted by Vis East Moot Foundation Ltd. and the City University of Hong Kong (Hong Kong, China, 11–18 March 2018);

(ii) The 2nd ICC/KLRCA Vis Pre-Moot and AIAC YPG Conference through the Regional Centre's institutional support (Kuala Lumpur, 1–2 March 2018);

(c) Academic engagement was fostered by delivering public lectures at Universities in the region such as: the National University of Lao, Peking University, Beijing Normal University, Inha University, Incheon University, Kookmin University, the University of Macau, National Law University Delhi, the University of Western Australia, Wuhan University, the University of Hong Kong, the City University of Hong Kong, the Chinese University of Hong Kong, Nagoya University, University of International Business and Economics, and Renmin University.

Resources and Funding

14. The Regional Centre is staffed with one professional, one programme assistant, one team assistant and two legal experts. During this reporting period, 15 interns were hosted at the Regional Centre. The core project budget allows for the occasional employment of experts and consultants. The Regional Centre relies on the annual financial contribution from the Incheon Metropolitan City to the Trust Fund for UNCITRAL Symposia to meet the cost of operation and programme. It further relies on the contribution of two non-reimbursable loans of legal experts by the Ministry of Justice of the Republic of Korea and by the Government of the Hong Kong, Special Administrative Region of China, both of which were extended.

15. According to article 13.3 of the Memorandum of Understanding signed on 18 November 2011 between the United Nations, the Ministry of Justice and the Incheon Metropolitan City of the Republic of Korea regarding the operation and financial contribution to the UNCITRAL Regional Centre for Asia and the Pacific, the Incheon Metropolitan City extended its financial contribution over a 5-year period (2017–2021) for the operation of the Regional Centre, revising the annual contribution to USD $450,000.

16. It is expected that interest in UNCITRAL texts in the region will grow with additional requests for technical assistance. Such increase will call for a corresponding increase in available resources. Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals are actively encouraged to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, for the financing of special projects and otherwise to assist the UNCITRAL Secretariat in carrying out technical cooperation and assistance activities. Additional contributions to the RCAP project from member States, or from interested private and public entities recommended by member States, are required to further respond to regional expectations.